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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,646	11/14/2001	Yoshiyuki Takano	P/1909-156	6329
2352	7590	06/10/2004	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			DANIEL JR, WILLIE J	
			ART UNIT	PAPER NUMBER
			2686	

DATE MAILED: 06/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/992,646

Applicant(s)

TAKANO, YOSHIYUKI

Examiner

Willie J. Daniel, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2 and 4-6.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on
 - a. 14 November 2001
 - b. 14 August 2002
 - c. 23 October 2003
 - d. 02 March 2004

are in compliance with the provisions of 37 CFR 1.97 and is being considered by the examiner.

Drawings

2. The drawings are objected to because
 - a. Applicant uses "CHAGE" in Fig. 4 "S302". Examiner suggests using "CHANGE".A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claim 1 is objected to because of the following informalities:
 - a. Applicant uses "exits" on pg. 18, line 18. Examiner suggests using "exists".Appropriate correction is required.

Specification

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "Mobile Communication Terminal And Operation Control System For Preventing Operation Based On Location".

5. The disclosure is objected to because of the following informalities:

- a. Applicant uses "exits" on pg. 3, line 28. Examiner suggests using "exists".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Valentine et al.

(hereinafter Valentine) (US 6,011,973).

Regarding **Claim 1**, Valentine discloses a cellular telephone (100) which reads on the claimed “mobile communication terminal”, comprising:

a locating device (130) which reads on the claimed “GPS receiver” that measures the exact position (latitude and longitude) of said mobile communication terminal (100) by receiving signals from GPS satellites (140) (see col. 2, lines 34-44; Figs. 1 and 3);

a controller (120) which reads on the claimed “operation setting section” that registers plural operation settings corresponding to addresses (see col. 2, lines 50-67; Figs. 1 and 3), where the controller compares the location information with the information in the memory (150) and the database (190) of the cellular telephone network (170) (see col. 2, lines 50-67; col. 3, lines 4-20), where the controller is able to control operations within restricted areas as well as outside restricted areas; and

a transceiver (110) which reads on the claimed “operation setting receiver” that receives the information of an operation setting corresponding to the address of said exact position of said mobile communication terminal (100) from a database (190) which reads on the claimed

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“management center” in which operation settings corresponding to addresses are registered, via a base station (180) (see col. 2, lines 50-67; col. 3, lines 4-20; Figs. 1 and 3), where the transceiver receives information via the base station, wherein:

in case that said mobile communication terminal (100) moved to an address, said mobile communication terminal (100) changes its operation setting corresponding to the moved address by retrieving said registered plural operation settings in its own terminal (100) when said operation setting at the moved address exists in its own terminal (100) (see col. 2, line 53-67; col. 3, line 59 - col. 4, line 49; Figs. 2-3), where the cellular telephone operation changes based on the location of the cellular telephone, and

when said operation setting does not exist in said own terminal (100) and exists in said management center (190), said mobile communication terminal (100) changes its operation setting corresponding to the moved address by receiving from said management center (190) via said base station (180), by that said management center (190) retrieves said plural operation settings registering in said management center (190) (see col. 2, line 63 - col. 3, line 21; Figs. 2-3), where the setting can change according to the cellular telephone change in location according to the information in the network database as well as the memory of the cellular telephone can be updated via download for the changes in location in which the controller uses the information for controlling the cellular telephone operation setting, and

when said operation setting at the moved address does not exist both in said own terminal (100) and said management center (190), said operation setting is returned to a normal setting (initial setting) of said mobile communication terminal (100), (see col. 2, lines 50-67; col. 3, lines 4-43; Figs. 1-2), where the cellular telephone has operations restricted according the

location areas of the memory and the network database, therefore when outside of the restricted areas the return to normal operations would be inherent.

Regarding **Claim 2**, Valentine discloses an cellular telephone network (170) which reads on the claimed "operation control system" of mobile communication terminals (see Fig. 1), comprising:

- mobile communication terminals (100);

- base stations (180); and

- a management center (190), wherein:

 - each of said mobile communication terminals (100), comprising:

 - a GPS receiver (130) that measures the exact position (latitude and longitude) of said mobile communication terminal (100) by receiving signals from GPS satellites (140) (see col. 2, lines 34-44; Figs. 1 and 3);

 - an operation setting section that registers plural operation settings corresponding to addresses (see col. 2, lines 50-67; col. 3, lines 4-20; Figs. 1-2), where the controller is able to control operations within restricted areas as well as outside restricted areas; and

 - an operation setting receiver (110) that receives the information of an operation setting corresponding to the address of said exact position of said mobile communication terminal (100) from a management center (190) in which operation settings corresponding to addresses are registered, via a base station (180) (see col. 2, lines 50-67; col. 3, lines 4-20; Figs. 1 and 3), where the transceiver receives information via the base station, and

said management center (190) receives the information of said measured positions of said mobile communication terminals (100) via said base stations (180) and manages said operation settings of addresses corresponding to said measured positions, and transmits an operation setting required by one of said mobile communication terminals (100) to said mobile communication terminal (100) (see col. 3, lines 4-20; Fig. 3), where the database checks to current position of the cellular telephone to determine the allowability of operation.

Regarding **Claim 3**, Valentine discloses an operation control system (170) of mobile communication terminals (100) in accordance with claim 2, wherein:

said operation settings corresponding to specific addresses are registered beforehand in said management center (190) (see col. 2, line 63 - col. 3, line 20; col. 3, line 59 - col. 4, line 49; Figs. 2-3), where the database (190) provide information for the controller to control the operations of the cellular telephone when in the restricted areas and outside of the restricted areas.

Regarding **Claim 4**, Valentine discloses an operation control system (170) of mobile communication terminals (100) in accordance with claim 2, wherein:

said mobile communication terminal (100) inquires said management center (190) of said operation setting of said address positioning said mobile communication terminal (100) via said base station (180) in a designated time interval (see col. 3, lines 28-30,34-43,47-49; Fig. 3), where the cellular telephone periodically checks the coordinates of the cellular phone for operation of cellular telephone.

Regarding **Claim 5**, Valentine discloses an operation control system (170) of mobile communication terminals (100) in accordance with claim 2, wherein:

said management center (190) retrieves an address based on said position information informed from said mobile communication terminal (100) via said base station and retrieves an operation setting corresponding to said retrieved address, and informs said mobile communication terminal (100) about the information of said retrieved operation setting via said base station (180) (see col. 3, lines 4-20; Figs. 2-3), where the database provides operation ability of the cellular telephone based on the geographical location of the cellular telephone.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Valentine et al. (hereinafter Valentine) (US 6,011,973) in view of Steer et al. (hereinafter Steer) (US 6,343,213 B1).

Regarding **Claim 6**, Valentine discloses each of said mobile communication terminals (100), further comprising:

an operation setting choosing section that decides whether said mobile communication terminal (100) changes said operation setting or not, in case that said received address is different from an address received right before (see col. 2, lines 53-63; col. 3, lines 4-58; Figs. 2-3), where the controller determines the cellular telephone operation as the cellular telephone moves from one location to another in which the location is updated periodically for regulating operation in different areas. The operation setting choosing section would be inherent to the controller, which regulates the operation of the cellular telephone as the cellular telephone moves between restricted and unrestricted areas. Valentine fails to disclose the feature of deciding whether said mobile communication terminal changes said operation setting or not, in case right after said mobile communication terminal switched on its power supply. However, the examiner maintains that deciding whether said mobile communication terminal changes said operation setting or not, in case right after said mobile

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communication terminal switched on its power supply was well known in the art, as taught by Steer.

In the same field of endeavor, Steer teaches of deciding whether said mobile station (MS) which reads on the claimed "mobile communication terminal" changes said operation setting or not, in case right after said mobile communication terminal (MS) switched on its power supply (see col. 5, lines 45 - col. 6, line 55; Figs. 1 and 6), where the system monitors the mobile station setting after a power-up for determining needed the operation in different zones.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Valentine and Steer for deciding whether said mobile communication terminal changes said operation setting or not, in case right after said mobile communication terminal switched on its power supply, in order to determine possible conditions of interference by having the mobile station follow the interference control process which protects base stations from communication interference, as taught by Steer.

Regarding **Claim 7**, Valentine discloses an operation control system (170) of mobile communication terminals (100) in accordance with claim 6, wherein:

said mobile communication terminal (100) changes its operation setting to an operation setting registered beforehand in said management center (190) or in said mobile communication terminal (100) itself, or a normal setting being an initial setting, after said mobile communication terminal (100) chose said change of said operation setting (see col. 2, line 45 - col. 3, line 21; Fig. 3), where the controller determines the operation setting for the

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cellular telephone from the information contained within the cellular telephone memory (150) or the cellular telephone network database (190). When the cellular telephone moves from one location to another location, the controller sets the cellular telephone according to the restrictions of the restricted area or normal setting of an unrestricted area.


Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- a. Hijii (GB 2344971 A) discloses "A Controller For Portable Telephone Which Can Set A Restricted Format For Call Transmission And Acceptance And A Defined Channel For A Restricted Area".
 - b. Beamish et al. (US 6,694,143 B1) discloses "System For Using A Local Wireless Network To Control A Device Within Range Of The Network".
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willie J. Daniel, Jr. whose telephone number is (703) 305-8636. The examiner can normally be reached on 7:30-4:30.
- If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WJD,JR/wjd,jr
02 June 2004


CHARLES APPIAH
PRIMARY EXAMINER